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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Neuman, Robert Michael; et al.

Art Unit Group: 3625

Application No.: 10/814,996

Examiner: Misiaszek, Michael

Filing Date: March 31, 2004

For: EASY ORDERING SYSTEM

Santa Clarita, CA
January 31, 2007

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION/RESTRICTIONS

Dear Sir:

In response to the Office Action Summary dated January 12, 2007 for the Election/Restrictions, we the applicants under 35 U.S.C. 121 elect to prosecute under traverse Specie III which covers claims 18-25.

We are traversing the restriction to claims 18-25 for the following reasons:

Claims 18-25 are referring to a method for wirelessly conducting transactions. Claims 1-9 are detailing the scope of portable devices and communication methods that we envisioned being used with this wireless ordering system. Similarly, claims 10-17 are being used to expand upon what the nature of the interface to the retailers' point of sale systems might be like, and what type of communication methods it might be tailored to. Thus, Claims 1-25 are all describing a single system, designed to enable a customer to wirelessly order and purchase food, merchandise, etc.

Failing the lifting of all restrictions, we feel that at a minimum, it would be appropriate to limit the restriction to the combination of claims 1-9 and claims 18-25 which the examiner has conceded all fall within the same classification (class 705, subclass 26), and together give a more complete picture of the system.

Furthermore, as claims 1-9 and 18-25 all fall within a single classification, we feel that this should not impose an undue burden on the examiner.

Respectfully submitted,


Robert Neuman